



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #25

WASHINGTON, D.C. – With the PATRIOT Act due to expire in five days unless the Senate approves the reauthorization conference report, House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month by a bipartisan majority of the House and pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #25 – Requiring Ongoing FISA Court Notification of the Total Number of Places or Facilities Under Surveillance Using a “Roving” Wiretap:

In an age of disposable cell phones, “roving” wiretaps are a reasonable and common-sense updating of investigative techniques to account for technological advances. A “roving” wiretap follows the target rather than just a single phone or communications device. **The PATRIOT Act conference report enhances judicial oversight to address any concerns that the “roving” wiretap authority could be abused. Specifically, the conference report requires the Foreign Intelligence Surveillance Act (FISA) Court to be informed on an ongoing basis of the total number of places or facilities under surveillance using a “roving” wiretap authority.** This civil liberty safeguard is not included in current law.

Congress has authorized criminal wiretaps for decades as an effective crime-fighting tool. Because of technological advances, including the use of cell phones, in 1986 Congress authorized “roving” wiretaps in criminal cases that allowed for the surveillance to target a person rather than a specific phone or communications device. However, prior to the PATRIOT Act, this authority did not exist for international spying or terrorism cases; thus, for these cases the government had to return to the FISA Court and apply for a new wiretap every time the suspected spy or terrorist used a different phone or communications device. This costly, cumbersome, and time-consuming requirement served as a major impediment in foreign spying and terrorism investigations. The PATRIOT Act extended the “roving” wiretap authority to international spying and terrorism cases by allowing a (FISA) Court judge to authorize a “roving” wiretap provided the applicant demonstrates there is probable cause to believe the target is a foreign spy or terrorist.

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